



Guidance Document 18-01

Adopted January 18, 2018

This guidance document is advisory in nature but is binding on the Nebraska Real Property Appraiser Board ("Board") until amended or repealed by the Board. A guidance document does not include internal procedural documents that only affect the internal operations of the Board and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document (Neb. Rev. Stat. § 84-901.03 (2)).

SUBJECT: Reinstatement of Supervisory Appraiser Designation upon Renewal of Real Property Appraiser Credential Obtained After January 1st

LEGAL REFERENCE: Neb. Rev. Stat. §76-2228.02 (Laws 2014, LB717, § 16); Neb. Rev. Stat. §76-2233.02 (1), (3) (Laws 2015, LB139, § 54); 298 NAC Chapter 2, § 002.09 (2017)

SUMMARY OF ACTION

Guidance Document 18-01 was adopted by the Board at its January 18, 2018 meeting as presented.

BACKGROUND

In accordance with Neb. Rev. Stat. § 76-2233.02 (1), a credential issued under the Real Property Appraiser Act other than a temporary credential shall remain in effect until December 31 of the designated year unless surrendered, revoked, suspended, or canceled prior to such date. In addition, Neb. Rev. Stat. § 76-2228.02 (1) (a) requires that a supervisory appraiser, "*Be a certified residential real property appraiser or a certified general real property appraiser in good standing.*" A real property appraiser who fails to renew his or her credential by December 31st is no longer eligible to engage in real property appraisal activity or appraisal practice in the State of Nebraska. As a result, the real property appraiser no longer meets the requirements of a supervisory appraiser. This guidance document is intended to explain the non-renewal notification and reinstatement process for the supervisory appraiser designation.

ANALYSIS

When referring to supervisory appraiser qualifications, Neb. Rev. Stat. § 76-2228.02 (1) (a) states, *“Be a certified residential real property appraiser or a certified general real property appraiser in good standing.”*

In addition, per Neb. Rev. Stat. § 76-2233.02 (1), *“A credential issued under the Real Property Appraiser Act other than a temporary credential shall remain in effect until December 31 of the designated year unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid credential, the credential holder shall file an application on a form approved by the board and pay the appropriate renewal fee in an amount established by the board pursuant to section 76-2241.”*

Finally, Neb. Rev. Stat. § 76-2233.02 (3) declares, *“If a credential holder fails to apply and meet the requirements for renewal by November 30 of the designated year, such credential holder may obtain a renewal of such credential by satisfying all of the requirements for renewal and paying the appropriate late processing fee in an amount established by the board pursuant to section 76-2241 if such late renewal takes place prior to July 1 of the following year...The board may refuse to renew any credential if the credential holder has continued to perform real property appraisal activities or other related activities in this state following the expiration of his or her credential. If a credential is not renewed prior to July 1, a credential holder shall reapply for credentialing and meet the current requirements in place at the time of application, except as provided in section 76-2233.03.”*

According to the language found in the Real Property Appraiser Act, a real property appraiser who fails to renew his or her credential prior to January 1st of the designated year is ineligible to engage in real property appraisal activity or appraisal practice. As a result, if this individual has been approved by the Board as a supervisory appraiser, this individual is also no longer eligible to perform his or her duties as a supervisory appraiser. Although this real property appraiser is not eligible to engage in real property appraisal activity or appraisal practice, his or her expired credential is still considered to be valid until July 1 of the designated year as stated in Neb. Rev. Stat. § 76-2233.02 (1). If the real property appraiser successfully completes renewal of his or her real property appraiser credential, the status of the supervisory appraiser designation is unclear. Although the statutes and rules are silent regarding the validity of the supervisory appraiser status in this situation, it would be logical to treat the status of the supervisory appraiser designation in the same manner as the real property appraiser credential.

In accordance with Neb. Rev. Stat. § 76-2228.02 (2), the supervisory appraiser is responsible for the training and direct supervision of the trainee real property appraiser’s experience by:

- (a) Accepting responsibility for the report by applying his or her signature and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice;
- (b) Reviewing the trainee real property appraiser reports; and
- (c) Personally inspecting each appraised property with the trainee real property appraiser as is consistent with his or her scope of practice until the supervisory appraiser determines that the trainee real property appraiser is competent in accordance with the competency rule of the Uniform Standards of Professional Appraisal Practice.

The supervisory appraiser's responsibilities include the requirement found in 298 NAC Chapter 2, § 002.09, which states *"Each applicant for the licensed residential, certified residential, or certified general real property appraiser credential must furnish a log of his or her most recent appraisal experience claimed on a form approved by the Board. The appraisal experience must be in chronological order on the log, and include an applicant signature, and the supervisory appraiser signature if applicable, on each page."*

It is important that both the supervisory appraiser and the trainee real property appraiser are notified of the supervisory appraiser's status throughout the various stages outlined in Neb. Rev. Stat. § 76-2233.02, as any experience obtained by the trainee real property appraiser under the supervision of the supervisory appraiser is not acceptable as experience required to obtain a credential as a real property appraiser.

GUIDANCE

On or shortly after January 1 of the year in which a supervisory appraiser fails to successfully complete the requirements for renewal of his or her real property appraiser credential, any trainee real property appraiser under the supervisory appraiser's supervision shall be notified in writing that the supervisory appraiser is no longer eligible to engage in real property appraisal activity or appraisal practice. If the individual successfully completes the requirements for renewal of his or her credential as a real property appraiser prior to July 1, his or her supervisory appraiser status shall be reinstated. Both the supervisory appraiser and the trainee real property appraiser shall be notified in writing of the reinstatement and of the period of time in which the trainee real property appraiser's experience is not acceptable for experience credit for credentialing as a real property appraiser. If the individual fails to successfully complete the requirements for renewal of his or her credential prior to July 1, the trainee real property appraiser must submit a new application for the approval of the supervisory appraiser if the individual obtains a valid credential as a real property appraiser issued under the Real Property Appraiser Act.